

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**DAVID L. MUSK,**

**Defendant.**

**8:10CR184**

## ORDER

This matter is before the court on the motion to continue by defendant David L. Musk (Musk) ([Filing No. 24](#)). Musk seeks a continuance of the trial scheduled for November 7, 2011. Government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. Musk's motion to continue trial ([Filing No. 24](#)) is granted.
2. Trial of this matter is re-scheduled for **January 30, 2012**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of granting the motion, i.e., the time between **November 3, 2011 and January 30, 2012**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 3rd day of November, 2011.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge